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SUMMARY RECORD OF THE 39th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 24 February 1994, at 3.00 p.m.

Chairman: Mr. Van WULFFTEN PALTHE (Netherlands)

later: Mr. URRUTIA (Peru)

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The meeting was called to order at 3.15 p.m

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES (agenda item 12) (continued)

1. The CHAIRMAN announced that four special rapporteurs would present their reports.

Final report on the situation of human rights in the Islamic Republic of Iran prepared by Mr. Reynaldo Galindo Pohl (E/CN.4/1994/50)

2. Mr. GALINDO POHL (Special Representative of the Commission), presenting his final report on the situation of human rights in the Islamic Republic of Iran (E/CN.4/1994/50), said that the final report and the interim report (A/48/526) together formed a whole, one being an update of the other. The situation had, indeed, barely changed in the short period that had elapsed between the two reports. The most important part of the report was that containing considerations, observations and conclusions, in that they summed up the situation in the country, delivered judgements as to the probability or truth of incidents that were incompatible with the human rights system established by the United Nations, and recommended measures that the Commission on Human Rights could adopt in the immediate future. In response to the report, the Government of Iran had recently issued a statement to the effect that the report was distorted by prejudice and politically motivated. He noted several events that had occurred since the appearance of the report particularly the abduction and subsequent murder of Bishop Haik Housepian Mehr, Chairman of the Protestant Council and Secretary-General of the Assembly of the Churches of God, who had refused to sign a declaration in which various religious groups were required to swear that they were in full possession of all the rights contained in the Constitution.

3. There were two radically different points of view on Iran: one which held that, as he himself believed, international instruments, a considerable number of which had acquired the status of jus cogens, were universal and binding; and the one held by the Islamic Republic of Iran, namely that such instruments were only of relative value and must be interpreted in the light of the specific cultural and, above all, religious circumstances in different countries. The conflict was by no means purely theoretical, but raised numerous practical problems. In his view, the Islamic Republic of Iran was duty-bound to respect the obligations it had entered into by acceding to international instruments, and thus to bring its legal system, particularly the judicial and prison systems, into line with the standards they laid down. He gave in his final report a detailed account of the clemency shown on the religious feast of Mabath: 2,389 prisoners convicted by revolutionary, military or ordinary law courts had been granted amnesties or commutations of sentence. The Government of Iran denied that any political prisoners were held in Iran, but according to other - official - sources there were as many as 20,000.

4. His evaluation of the recent situation in Iran was based on information drawn mostly from the Iranian press and statements by senior Iranian officials. In paragraphs 16-77 and 229-240 of his reports, he examined the

question of the right to life in Iran and expressed regret at the large number of executions that had been carried out - 93 to date - which took scant account of the narrow criteria set forth in the International Covenant on Civil and Political Rights. He also drew attention to the continuing attacks on Iranian citizens of various political persuasions living abroad. Governments were responsible for the actions of their agents abroad as well as on national territory. He had made inquiries about the situation of members of the Baha'i faith, the situation of the press and the status of women. He had examined the question of drug trafficking and the administration of justice. Although he considered that the situation had not changed substantially since his interim report, the fact that displaced persons from neighbouring countries were being allowed in to find refuge in Iran was, in his view, a positive measure.

5. He drew the Commission's attention to the recommendations contained in paragraph 272 of his final report; they remained pertinent. They included an appeal to the Iranian Government to ensure that its agents refrained from illegal acts abroad and a reminder that it should reform its penal legislation and ensure due process of law, deal with the problem of attacks on the press and broadcast media, ensure respect for freedom of religion and, lastly, cooperate fully with the Commission on Human Rights and its Special Representative.

6. In any case, he had enough evidence to recommend that the Commission on Human Rights should continue to scrutinize closely the situation of human rights and fundamental freedoms in the Islamic Republic of Iran.

Final report on the situation of human rights in Afghanistan, submitted by Mr. Felix Ermacora (E/CN.4/1994/53)

7. Mr. ERMACORA, outlining the human rights situation in Afghanistan, said that the capital, Kabul, was under siege; the Prime Minister's troops had literally besieged the President of the country, even though the two men were partners in the same governmental coalition. The reason for the blockade was to force the President to resign, but the result was that the civilian population, and some 4 million refugees, were the ones to suffer. Since being appointed Special Rapporteur on Afghanistan in 1984 he had submitted 18 reports to the Commission on Human Rights and to the General Assembly. He had visited the region regularly, in particular refugee camps in Pakistan and the Islamic Republic of Iran, which had held more than 5 million people. He had also visited camps for displaced persons and hospitals for the war wounded. He was grateful to the various Governments which had made his task easier.

8. He had been unable to make the visit to Afghanistan that he had planned for January 1994, first for reasons of health and then owing to the armed conflict. His report (E/CN.4/1994/53) was therefore based on written and oral information from a number of organizations and on personal testimonies. He had always believed that the human rights situation in a given country could be understood only if one had a good knowledge of its political environment. That of Afghanistan he knew well. He sketched the history of the situation, mentioning such landmarks as the withdrawal of foreign troops in 1989, the peaceful transition to an Islamic State in 1992 and the subsequent internal

struggles that had left a million people dead over the past 15 years, more than 5 million refugees, and thousands of people detained in unknown locations. Neighbouring countries had offered their good offices, the result of which had been the conclusion of the so-called Islamabad and Jalalabad Accords in 1993. Both Accords were well drafted texts, containing guidelines for the basic structure of a constitutional framework. He regretted that the political groups in the country had not been able to implement the accords in a peaceful manner and that their violent struggles had brought about the destruction of Kabul. Since then the power struggle had spread to the provinces and to the northern and eastern parts of the country. Since 1 January 1994, 900 people had been killed in Kabul and more than 10,000 had been wounded. About 4 million Afghan refugees continued to live in Pakistan and the Islamic Republic of Iran. Some 900,000 others were scattered throughout the world. Although more than a million refugees had returned to the country in 1992, returns had come to a complete standstill. The number of internally displaced persons, amounting to about 80,000 at the time that his report had gone to press, had risen by 6,000 in a single week.

9. That the civil and political rights enshrined in international human rights covenants to which Afghanistan was a party were respected was, in the circumstances, a pious hope. Humanitarian aid could satisfy only a tiny part of Afghanistan's needs and the lethal nature of the weapons being used gave little scope for optimism. Some 48,000 people had disappeared; many, it was said, were to be found in mass graves. Although a large number of political prisoners had been released after the Islamic revolution - as evidenced by the fact that the former central prison, Pol-i-Charkhi, was empty - several thousand prisoners were believed to be held by some political parties and local commanders at undisclosed locations. The fate of former Soviet prisoners of war remained a particular problem: in violation of international law, they had not been released. He appealed for them to be set free and not considered as objects for bargaining. Then there were Afghan refugees living abroad, who often received death threats. He appealed for a more humane attitude and asked Governments to show a little more flexibility in considering requests for political asylum. The Secretary-General of the United Nations was to send a special mission to Islamabad and Kabul once a cease-fire was in place, with a view to helping the parties resolve the armed conflict. He wished the mission luck where so many others had failed. Lastly, he suggested bringing into play a mechanism that had existed in Afghanistan since 1717: the Loya Jirga, or Grand Assembly, which could be convened by a group - even a small one - of important Afghans and had been so convened, successfully, at various points in the country's history. He called on the Secretary-General to support such an initiative, which could come only from within Afghanistan but was, perhaps, one of the country's last remaining hopes.

10. Mr. BRUNI CELLI (Special Rapporteur), introducing his final report on the situation of human rights in Haiti (E/CN.4/1994/55), said that throughout 1993 Haiti had been governed directly or indirectly by the military, who had overthrown President Jean-Betrand Aristide in September 1991 and exercised absolute power, in some cases through civilians such as the "prime minister", Marc Bazin. Excellent work had been done by the members of the International Civilian Mission sent to the interior of the country during the first quarter

of 1993. At the time of his visit to Haiti in August 1993, the Mission had had 300 members and was maintaining a presence in all departments and in many communes. It was being directed by Ambassador Collin Granderson with the assistance of human rights specialists under the supervision of Ian Martin, the former Secretary-General of Amnesty International, and his assistants William O'Neill, Tiebilé Dromé and María Clara Martin. The presence of the mission had in itself achieved positive effect, the number of abuses and violations diminishing at least in a few places. Unfortunately, because of the deteriorating climate of violence and total insecurity that had reigned in the country after the failure of the Governors Island Agreement, the Mission had had to be evacuated around mid-October 1993.

11. The signing of the Agreement had been the culmination of a long negotiating process between the military in power and President Aristide, arbitrated by the Secretary-General's laudably perseverant special envoy, Mr. Dante Caputo. The negotiations had proved extremely difficult as the military chiefs had refused to engage in dialogue, had never kept their promises and had brazenly persisted in violating human rights. The Agreement, which had finally been signed on 3 July 1993, had provided inter alia for the opening of a dialogue between the parties to the conflict, the appointment of a prime minister by the President and the setting up of a new Government, the suspension of the sanctions imposed on Haiti under Security Council resolution 841 (1993), the elaboration of a programme of international cooperation, the proclamation of an amnesty for members of the military responsible for the coup d'état, the separation of the armed forces from the police, the resignation of General Cédras and the appointment of a new commander of the armed forces, the replacement of Colonel François as commander-in-chief of the police force, the return of President Aristide on 30 October and the establishment by the United Nations and the Organization of American States (OAS) of a mechanism for verifying compliance with all those measures. But the military had never honoured their undertakings; they had not given up power, had not allowed President Aristide to return, had not let his appointed Prime Minister, Robert Malval, and the members of his Cabinet perform their duties, and had maintained their policy of violence against the defenceless civilian population. Visiting Haiti after the signing of the Agreement, he had seen for himself the intensification of human rights violations in the country. Since October 1993 Haiti had been without a Government; it had become a territory occupied by criminal gangs riding on army-supplied vehicles and brandishing army-supplied weapons who terrorized the population with complete impunity. Today, any Haitian could be murdered, arrested, beaten or tortured anywhere, at any time, for no reason and with no explanation.

12. Despite stubborn efforts by the countries which had helped the Secretary-General in the search for a solution to the Haitian crisis (United States, France, Canada and Venezuela), the situation remained unchanged. President Aristide was still in exile, the Haitian military continued to flout the decisions of the international community and to violate the most elementary human rights, and the economic sanctions imposed on Haiti had not been suspended. Everything possible had to be done to assist the Haitian people, and he had drafted some recommendations to that end which appeared in paragraph 227 of his report. He believed that the political,

economic and social situation in Haiti should be followed very closely, and was convinced that the maintenance of international political pressure and, when the time came, the elaboration of international assistance and cooperation programmes would be the only means of restoring the Haitian people to the enjoyment of its rights and of ensuring the country's economic and social development.

13. Mr. YOKOTA (Special Rapporteur), introducing his report on the situation of human rights in Myanmar (E/CN.4/1994/57), reminded the Commission that at its forty-ninth session it had, by resolution 1993/73, decided to extend his mandate by a year so as to enable him to establish direct contacts with the Government and people of Myanmar, with a view to assessing progress towards the transfer of power to a civilian Government and the drafting of a new constitution, the lifting of restrictions on personal freedoms and the restoration of human rights. The Commission had been concerned, in particular, that the electoral process begun in Myanmar with the general elections of 27 May 1990 had not reached its conclusion; that many political leaders, in particular elected representatives, were still deprived of their liberty; that Daw Aung San Suu Kyi, the Nobel Peace Prize laureate, remained under house arrest; that serious violations of a variety of basic civil rights continued to take place; that the outflow of refugees was beginning to create problems in neighbouring countries; and that guarantees for the physical integrity and well-being of returnees were lacking.

14. During his visit to Myanmar in November 1993, he had been received by a number of senior Government officials. He had also been able to meet representatives of the three political parties in the National Convention, though not, unfortunately under conditions conducive to a free exchange of views. While he was grateful to the Government of Myanmar for having facilitated his visits to various places, including Rakhine State and Insein prison, and his meetings with various persons as related in chapter II, section B, of his report, he regretted not having been allowed to see Daw Aung San Suu Kyi. The fact that a member of the United States Congress, representative William Richardson, had recently been authorized to do so was to be welcomed.

15. He had observed an improvement in people's living conditions but no real change in the human rights situation, which was still highly restrictive. Those most severely affected were the leaders of political parties, particularly the National League for Democracy (NLD), and NLD delegates to the National Convention. Although more than 2,000 persons detained under the emergency regulations had been released since April 1992, hundreds of political leaders and people arrested for criticizing the State Law and Order Restoration Council (SLORC), the army or the National Convention were still in prison. Up to 60 people were said to have been arrested since July 1993 for engaging in political activity. Furthermore, even if work on a new constitution had made some progress in the National Convention, it was legitimate, given that most of the representatives elected in 1990 could not take part and that one of the Convention's principal objectives was to maintain the military in its current leading role in the country's political life, to think that the Convention did not amount to one of the "steps towards the restoration of democracy, fully respecting the will of the people as

expressed in the democratic elections held in 1990" which the General Assembly had invited the Government of Myanmar to take in paragraph 4 of its resolution 47/144. He was also gravely concerned at reports of forced labour, forced relocation, arbitrary killings, rapes and confiscation of property by the army in the border areas where the army was engaged in military operations or "regional development projects". He hoped that the recent Government decision to invite the armed insurgent groups to take part in negotiations and the positive response from the Karen National Union (KNU) would help to bring those violations to an end and that the negotiations would be a first step towards national reconciliation and the restoration of peace throughout the country.

16. He was pleased to note that the Government of Myanmar had withdrawn its two reservations relating to articles 15 and 37 of the Convention on the Rights of the Child and had, on 5 November 1993, signed a memorandum of understanding between Myanmar and the Office of the United Nations High Commissioner for Refugees (UNHCR) to facilitate and guarantee the voluntary and safe return of Myanmar citizens living in Bangladesh. He expressed the hope that the Government of Myanmar would seriously consider the possibility of initiating a direct dialogue with Daw Aung San Suu Kyi, as she had suggested at her recent meeting with Representative Richardson, with a view to the peaceful and early institution of democracy and respect for human rights in Myanmar. In conclusion, he read out the recommendations he had formulated for the consideration of the Government of Myanmar, as presented in paragraph 74 of his report.

17. Mr. Urrutia (Peru) took the Chair.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

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(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

(e) INTERNATIONAL YEAR OF THE FAMILY

(agenda item 11) (continued) (E/CN.4/1994/34, E/CN.4/1994/35, E/CN.4/1994/36, E/CN.4/1994/37, E/CN.4/1994/38, E/CN.4/1994/39 and Corr.1, E/CN.4/1994/40, E/CN.4/1994/41, E/CN.4/1994/42, E/CN.4/1994/43 and Add.1, E/CN.4/1994/44 and Add.1, E/CN.4/1994/45, E/CN.4/1994/74, E/CN.4/1994/NGO/2, E/CN.4/1994/NGO/3, E/CN.4/1994/NGO/4; A/48/579)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 19) (continued) (E/CN.4/1994/73/Add.1, E/CN.4/1994/75, E/CN.4/1994/76 and Add.1, E/CN.4/1994/77 and Add.1, E/CN.4/1994/78 and Add.1, E/CN.4/1994/109, A/CONF.157/23)

18. Ms. MULGAN (Observer for New Zealand) said that the willingness shown in certain countries to establish, fund and support national institutions for the promotion and protection of human rights was to be seen as a sign of commitment to human rights. New Zealand welcomed the recent establishment of new national institutions, particularly in the Asia-Pacific region. Since the first International Workshop on National Institutions, the network of human rights commissions had been increasingly strengthened. New Zealand acknowledged with appreciation the recognition of the independent status of such institutions and the support for the network shown by the United Nations at the Vienna Conference and at the second International Workshop held in Tunis in December 1993. That meeting had reaffirmed the essential feature of national human rights institutions, namely, their independence from government. It had addressed general issues, such as the strengthening of national institutions, as well as more particular issues such as problems affecting women, children, people with disabilities, migrants and those in arbitrary detention. The Coordinating Committee of national institutions had met during the present session of the Commission on Human Rights and had expressed appreciation of the support provided for it by the Centre for Human Rights.

19. The New Zealand Parliament had recently passed into law a new Human Rights Act which substantially widened the grounds on which discrimination was unlawful in New Zealand. The new Act had also greatly strengthened the powers of the New Zealand Human Rights Commission.

20. Ms. CARRILLO (United Nations Development Fund for Women - UNIFEM) said that UNIFEM owed its existence to men and women who had understood that a development programme could not succeed if it overlooked the contributions and needs of half of the population. Experience had shown that it was not enough to assert that women's rights were human rights. In troubled situations, women were often exposed to the greatest risks. For example, three quarters of the world's 20 million refugees were women and their dependent children. They needed not only blankets and food but also protection from sexual assault. UNIFEM believed that the international community could not succeed in its attempts to regulate the problems connected with conflict settlement, protection of the environment, human rights or alleviation of poverty if women were excluded from the process.

21. UNIFEM was developing a women's rights programme to promote the principle that the protection of the rights of women was fundamental to ensuring women's self-realization and full participation in the democratization of their societies. The programme's objectives were to strengthen the capacity of women's organizations in the developing world; to increase the accessibility of human rights machinery and women's use of it; and to improve the accountability of States and communities for protecting the human rights of women. UNIFEM would encourage coordination between various bodies and organizations with a view to launching a campaign for the universal ratification of the Convention on the Elimination of all Forms of

Discrimination against Women before the year 2000. UNIFEM was also playing a role in preparations for the Fourth World Conference on Women, to be held in Beijing in 1995, which was to be a landmark in the struggle for human rights in general. It was to be hoped that women's rights would be integrated as efficiently and quickly as possible in United Nations machinery in the human rights field.

22. Mr. GAUTO (Observer for Paraguay) said that since the fall of General Stroessner's regime and the establishment of democracy, the efforts of the Government of Paraguay together with various non-governmental and international organizations, including the Centre for Human Rights, had helped to restore fundamental freedoms and respect for human rights in his country.

23. His Government welcomed the report on technical cooperation with the Government of Paraguay in the sphere of human rights (E/CN.4/1994/78/Add.1) and endorsed the comments it contained. The steps taken to promote the development and dissemination of human rights in Paraguay hinged on the cooperation project. A Directorate-General for Human Rights had been established under the Ministry of Justice and Labour as an executive body responsible for coordinating human rights activities, including ratification of international legal instruments, reform of the judiciary and judicial institutions, and the preparation of reports for submission to treaty bodies.

24. Experience of cooperation with UNDP had revealed the fundamental role that UNDP could play through its local offices. The Paraguayan Government took the view that, since it was the task of those offices to support national development, they should also be active in the human rights field. It therefore wished to request the extension of the project along the lines recommended in paragraphs 101 to 103 of the report. The implementation of those recommendations would consolidate the results achieved and help in the building of the modern and democratic country to which the Paraguayan people aspired.

25. Mr. NEUDEK (Crime Prevention and Criminal Justice Branch, United Nations Office at Vienna) expressed the hope that the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders scheduled to be held in 1995 would help to strengthen cooperation between the respective programmes of the Centre for Human Rights and the Crime Prevention and Criminal Justice Branch. Issues dealt with at the Congress would include international cooperation and practical technical assistance for strengthening the rule of law; action against national and transnational crime; criminal justice and police systems; and crime prevention strategies. The United Nations crime prevention programme had been strengthened over the past few years and was currently overseen by a 40-member governmental commission. It was oriented towards technical assistance for developing countries and the new democracies in Eastern and Central Europe with a view to the establishment of criminal justice systems. It also contributed to peace-keeping and peace-building missions such as those in Cambodia, El Salvador and former Yugoslavia.

26. The promotion and protection of human rights depended to a large extent on effective crime prevention and an efficient system of criminal justice. Human rights could not be enforced where the criminal justice system was inefficient, the judiciary was not independent, prisons were overcrowded and

crimes were committed with impunity. It was therefore important to preserve the delicate balance between crime prevention and criminal justice, on the one hand, and human rights on the other.

27. Ms. BUNCH (Third World Movement Against the Exploitation of Women, Asian Women's Human Rights Council, Center for Women's Global Leadership, International Women's Tribune Centre, ISIS International and World Young Women's Christian Association) recalled that, partly as a result of a petition signed by half a million people from 124 countries, the rights of women had been included in the Vienna Declaration and violence against women in public and private had been acknowledged as a violation of human rights. Women from all over the world now expected the Commission to undertake concrete commitments in that regard. If, as required under the Vienna Declaration, the rights of women were to form an integral part of United Nations human rights activities, attention would have to be given to the integration of gender-specific abuses into the work of all rapporteurs, treaty bodies and working groups. Human rights agreements and all the human rights machinery would have to be closely examined to see how human rights violations manifested themselves in women's lives. Under the heading of slavery, arbitrary detention and torture, for example, consideration should be given to women who were imprisoned in their homes, where they often suffered torture and were denied freedom of movement. Examination of economic, social and cultural rights should include the sexual discrimination inherent in the disproportionate number of girls who were malnourished and denied equal access to education, jobs and health care. Freedom of expression was often denied to women in gender-specific ways, through exclusion from public activities or through religious punishments for their opinions or modes of dress. Investigations of racial discrimination must also take account of gender-specific violations such as ethnic rape and forced pregnancy in times of war.

28. Ms. SAJOR (Third World Movement Against the Exploitation of Women, Asian Women's Human Rights Council, Center for Women's Global Leadership, International Women's Tribune Centre, ISIS International and World Young Women's Christian Association) said that the Vienna Declaration clearly recognized discrimination against women as being at the root of various forms of gender-based violence. The family, the community, the State, judicial and religious systems were all responsible for discrimination against women. Codes of justice often overlooked crimes against women or tacitly approved them. In order to realize the commitment in the Vienna Declaration to take action on violations of women's rights, the organizations she represented recommended the appointment of a special rapporteur on violence against women. The special rapporteur's mandate should include the study of means of eliminating all forms of violence against women, analysing their causes and consequences and seeking possible remedies. The integration of women's rights throughout the United Nations system was also a matter of the utmost urgency. Guidelines for identifying and reporting on violations of women's rights should be developed for each thematic and country mechanism and a report on the subject should be submitted to the Commission at its fifty-first session. The organizations she represented also supported the inclusion of a regular item on women's human rights in the agenda of the Commission's annual sessions.

29. Mr. NFOR GWEI (Cameroon) said that Cameroon, like other African countries, was engaged in the democratic process going on in other parts of the world. In Africa, the process was a very fragile and gradual one, and was marred by human rights abuses which had caused much suffering and loss of human life. Africa was also still suffering from underdevelopment, poverty, hunger and malnutrition and inadequate health, education, communication and other important infrastructures vital to the development, well-being and dignity of human beings. Although the idea of national institutions for the promotion and protection of human rights had been discussed many times within the United Nations system it had not yet been accepted by many African States, as the small number of such institutions on the African continent showed. However, the idea was beginning to catch on as the democratic process took root.

30. Cameroon's National Commission on Human Rights and Freedoms was among the national institutions recently created in Africa. Unfortunately, the economic crisis that was currently eroding the fabric of many African societies made it difficult for many States to regard the creation of national institutions as a priority. Those already established were facing insurmountable operational problems for want of resources. Yet the strengthening of such institutions and the creation of new ones was an absolute necessity if Governments were to comply with their obligations under the international instruments to which they were parties. Cameroon and other African countries therefore appealed to the international community and friends of Africa everywhere to provide the resources necessary to establish and strengthen their national institutions and thus to create the conditions necessary for their peoples' enjoyment of universal human rights and fundamental freedoms. Human-rights awareness would come about only through training, teaching, education, public information and active participation in a pluralistic civil society, the holding of free and fair elections and the promotion of the rule of law.

31. Steps needed to be taken to set up the proposed special fund for the creation and strengthening of national institutions under the direction of the Centre for Human Rights. His delegation urged the Commission to adopt the recommendations of the second International Workshop on National Institutions, held in Tunis in December 1993, including the granting of appropriate status to national institutions at meetings of United Nations bodies. His delegation also called for the speedy implementation of the Vienna Declaration and Programme of Action.

32. Mr. GROSS (Human Rights Advocates) said that his organization wished to draw the Commission's attention to the relationship between civil defence forces and human rights violations. In its resolution 1992/57, the Commission had asked Governments, intergovernmental agencies and non-governmental organizations for "information on domestic law and practice relating to civil defence forces, and for comments concerning the relationship between civil defence forces and human rights". Following the Secretary-General's report on civil defence forces at the forty-ninth session, the Commission had adopted resolution 1993/54 requesting additional information on the subject. His organization had prepared a detailed report on the role of civil defence forces in Guatemala, which he proposed to summarize for the benefit of Commission members.

33. The civil patrols in Guatemala had been organized by the military regime in the early 1980s as part of a brutal counter-insurgency campaign. Government leaders, fearing lest the indigenous population be won over to the political goals of the guerrillas, maintained the patrols to control the peasants by intimidation or threats of death. Thus an entire generation of indigenous people had been victimized for more than a decade by the military and by their own Government. Numerous appeals for the abolition of the patrols from the international human rights community had gone unheeded: a succession of Guatemalan civilian Governments refused to dissolve them. The accession to the Presidency by Mr. de Leon, the former Guatemalan human rights ombudsman, in June 1993 had been warmly greeted by the international community. However, although Mr. de Leon had always opposed the patrols, he now completely disavowed his previous position and presented himself as a champion of the very forces that had brought so much suffering to the Guatemalan people. He had announced that the civil patrols were to be converted into "development and peace committees". Human Rights Advocates wished to draw attention to the flaws inherent in that proposal.

34. First, the direct conversion of the civil patrols into development and peace committees cast doubt upon the Government's interest in prosecuting patrol members who had committed human rights violations (killings, injuries and disappearances of civilians and human rights activists). Offenders must be held accountable for their actions, yet under Mr. de Leon's proposal there would be no prosecutions, since the development and peace committees would be run by the people who had led the patrols. The only difference would be that the committees would be able to control the population not only by physical but also by economic means of coercion, for instance by restricting access to drinking water and electricity. Before the creation of truly voluntary peace and development committees with positive community involvement and genuine respect for human rights could be envisaged, the old patrols system must be completely dismantled.

35 Several independent United Nations experts, having observed that the civil patrols were flouting many of the rights guaranteed under international instruments, had urged the Guatemalan Government to protect citizens' rights. They and the human rights organizations had received many reports to the effect that civil patrol members had been both victims and perpetrators of extrajudicial executions, acts of torture, illegal detention and enforced disappearances. Opponents of the patrol system were accused of sympathizing with the guerrilla and were often exposed to threats, acts of violence or even summary executions. Furthermore, the civil patrols prevented the indigenous population from meeting its economic needs because people on patrol duty could not carry on their ordinary work. Thus the human rights of the indigenous Guatemalan people would continue to be flouted every day if the Government persisted in refusing to dissolve the patrols or turn them into a truly voluntary defence force.

36. Ms. BRUWE, accompanied by Ms. SULLIVAN (International Human Rights Law Group, International Centre for Human Rights and Democratic Development and International Commission of Jurists), reminded the Commission that, at the World Conference on Human Rights, women from all regions had said that the invisibility of gender-specific abuses was one of the main obstacles to the universal realization of all human rights. Progress made towards ensuring

women's human rights was an essential measure of progress in achieving respect for all human rights. The appointment of the High Commissioner for Human Rights, and especially his statement that he intended to devote particular attention to women's rights, were therefore to be welcomed. The speakers hoped that the High Commissioner would integrate women's rights in United Nations action throughout the system alongside development, peace-keeping and peace-building, and humanitarian assistance programmes. The reality of women's lives had to be taken into account. Women were at the centre of daily struggles to build civil societies worldwide but their responsibilities at the governmental and international levels remained marginal. United Nations development programmes had to recognize the respect of women's human rights as being a goal in itself and not merely a means of promoting economic growth. Development policies should empower women to make the necessary changes in the legal, social, political and economic structures that still blocked their full enjoyment of human rights.

37. There was an urgent need for measures to ensure the protection of women's rights in connection with United Nations peace-keeping, peace-building and humanitarian assistance activities, including appropriate training and supervisory procedures for United Nations personnel. Mechanisms should be established for investigating infringements of women's rights, including abuses committed by United Nations personnel, and for taking remedial action.

38. In particular, the speakers wished to denounce gender-specific abuses against women, who constituted the majority of the refugee and displaced persons' population, and to urge the Centre for Human Rights and UNHCR to exchange information concerning such violations on a regular basis, with attention to appropriate follow-up action. Women's rights activists at the World Conference had focused international attention on the terrible violence women suffered in public and private life. So far, however, the international community had made no effort to resolve the problem. The appointment of a special rapporteur on violence against women at the present session of the Commission was a necessary first step in that direction. The rapporteur's mandate should extend to reporting on the causes and consequences of violence against women, which was a result of systematic gender inequality. The legal framework for the rapporteur's activities should include the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, and the Declaration on the Elimination of Violence against Women. States had a duty under international law to respect and to ensure respect for human rights and were therefore duty-bound to prevent violence against women, take effective action against the culprits and provide reparation mechanisms.

39. The Commission had a central role to play in promoting governmental accountability for breaches of women's rights. For example, in developing indicators for monitoring the realization of economic, social and cultural rights, dimensions of those rights that were specific to women should be explicitly recognized. In the area of development, the Working Group on the Right to Development should consider the gender-specific effects of structural adjustment and debt-reduction policies. It was also necessary to develop the training of United Nations human rights and humanitarian relief personnel so

as to enable them, in the words of the Vienna Declaration, to recognize and deal with human rights abuses particular to women and to carry out their work without gender bias.

40. In order to make existing procedures accessible to women, the Centre for Human Rights, in cooperation with the Department of Public Information and the Division for the Advancement of Women, should develop a programme of action for disseminating the relevant information. Furthermore, in order to assess progress in women's rights, the High Commissioner should periodically evaluate the effectiveness of United Nations monitoring, reporting and complaints procedures, advisory services and technical assistance programmes. When the Commission examined the question of revising its agenda, women's basic rights should be given the prominence they were due.

41. Mr. CLAPHAM (Amnesty International) noted that the issue of human rights and mass exodus had been before the Commission for several years. The problem had first been raised in the early 1980s, the apparent object of the United Nations bodies being to put a stop to human rights violations which led to refugee movements. However, the Commission's consideration of the issue had clearly failed to resolve the problem. As the recent report on the state of the world's refugees by the United Nations High Commissioner for Refugees demonstrated, the number of refugees in the world continued to increase, and efforts to deal with the problem were urgently needed.

42. While too little attention had been given to addressing the human rights violations causing refugee movements, interest in the consequences of such violations - namely, the arrival of large numbers of refugees and asylum-seekers in other countries - had been great. Governments complained about the "burden" of providing asylum and increasingly sought to avoid their international obligations towards people seeking their protection; some, indeed, complained about the "burden" on themselves while at the same time pursuing repressive policies which forced their own citizens to flee, thereby creating burdens for other countries. Many Governments had adopted measures to restrict entry by asylum-seekers, to send asylum-seekers back to their countries or to narrow the range of those considered to be deserving of protection. Amnesty International took the view that the efforts of member States of the European Union to harmonize their asylum policies and the United States Government's policy towards Haitian asylum-seekers were undermining established international standards for the protection of refugees and asylum-seekers. There was urgent need for action to protect people who had fled their countries and bring to an end the human rights violations which had caused them to flee.

43. At its previous session, the Commission had adopted a resolution providing for the allocation of funds necessary for the establishment and strengthening of an early warning system in the sphere of human rights and had also created a new agenda sub-item on human rights, mass exoduses and displaced persons. Despite United Nations initiatives since the early 1980s to avert potential refugee movements, however, the number of refugees in the world had doubled. Amnesty International thought it unlikely that the embryonic United Nations early warning structure would be able to address human rights violations in a coordinated and effective manner. What was

needed was action to put a stop to such violations, and the Commission could play a crucial role if there was sufficient political will to confront the Governments responsible.

44. In Burundi, the army's assassination of the Head of State a few months previously had triggered inter-ethnic killings and massacres of civilians, provoking the exodus of many thousands of people in a matter of weeks. Given the country's recent history those events had been foreseeable, yet the Commission had never considered the human rights situation in Burundi, and the United Nations now had the task of ensuring protection and assistance for the refugees from that country. Similarly, thousands of people continued to flee from China, Indonesia, Peru and Turkey in search of asylum and protection elsewhere, and repeated efforts by non-governmental organizations to induce the Commission to take action on human violations in those countries had failed.

45. Amnesty International believed that, given the pressing importance of the issue, a separate full agenda item should be set aside for the question of mass exodus. Furthermore, UNHCR reports on its refugee protection activities throughout the world should be placed before the Commission. Lastly, the Commission should ensure that the mandate of the Secretary-General's Representative on Internally Displaced Persons extended to addressing the human rights violations that contributed to such displacement, and that the mandate was treated as a regular thematic mechanism of the Commission.

46. Ms. BRETT (Friends World Committee for Consultation (Quakers) and Commission of the Churches on International Affairs (World Council of Churches)) welcomed the report of the Representative of the Secretary-General on internally displaced persons (E/CN.4/1994/44 and Add.1). The report revealed the magnitude of the problem, as estimates showed that internally displaced persons, besides the world's 18 to 20 million refugees, numbered approximately 25 million. Furthermore, the problem was not confined to one region or area of the world. As noted by the Representative of the Secretary-General, the "most common and particularly formidable" causes of internal displacement were "internal conflicts, communal violence, forced relocation and other gross violations of human rights". The problem was so acute that no one United Nations body could provide an adequate response: inter-agency cooperation was essential. She welcomed the commitment of the United Nations High Commissioner for Refugees to provide assistance and protection to internally displaced persons in accordance with the criteria agreed at the forty-fourth session of the UNHCR Executive Committee and endorsed by the General Assembly at its forty-eighth session. The invitation issued to the Representative of the Secretary-General to participate in the Task Force on Internally Displaced Persons of the Inter-agency Standing Committee convened by the Department of Humanitarian Affairs was a step forward.

47. She welcomed the decision of the Government of Sri Lanka to invite the Representative to visit that country; his report illuminated many aspects of the problem of internal displacement and demonstrated the value of such visits. It was important that the Representative should be able to visit a broad range of countries where internal displacement was due to a variety of causes. Sufficient human and financial resources should be provided to that

end. Once the international community had taken note of each situation, it was crucial that the Representative of the Secretary-General should be able to follow up on such visits by continuing dialogue with the country's authorities and by seeking the assistance of other parts of the United Nations family. In its resolution 1993/95, the Commission had extended the mandate of the Representative of the Secretary-General by two years and had noted the need for a compilation of existing rules and norms applicable to internally displaced persons. It was essential for the Representative to compile the relevant existing legal standards, including those applicable by analogy, such as the principle of non-refoulement, and analyse them to identify any gaps in the protection provided. Given the high proportion of women and children among displaced populations, it was important to take the experience of UNHCR in protecting refugee women and children into account. Protecting and assisting the internally displaced was a challenge to the international community, whose response so far had been completely inadequate.

The meeting rose at 6 p.m.